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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 796 OF 2003

Petitioner : Som Dutt Namdeo, S/o Shri R.D. Namdev, aged about 48 years, Occupation-Govt. Service, presently posted as Sub Engineer, Department of Water Resources, Sub. Divn. Pendra Road, Marwahi, Distt. Bilaspur (CG)

Versus

Respondents :
1. State of Chhattisgarh through the Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (C.G.)
2. Engineer-in-chief, Water Resources Department, Civil Lines, Raipur (CG)
3. Sub Divisional Officer, Water Resources Sub Division, Pendra Road (Marwahi), Distt. Bilaspur (CG)

Shri Ashish Shrivastava, learned counsel for the petitioner.
Shri Alok Bakshi, learned Govt. Advocate for the State/respondents.

ORAL ORDER

(2nd February, 2006)

The petitioner was appointed as Sub-Engineer on 10.08.1980 in the Water Resources Department by order dated 11.2.2003. Services of the petitioner were transferred from Water Resources Department to Panchayat and Rural Development Department without his consent. The impugned order amounts to order of deputation from his Parent Department i.e. Water Resources Department to other Department i.e. Panchayat and Rural Development Department. This order was passed without taking consent of the petitioner as well as that of his Parent Department.

2. Learned counsel for the respondents submits that this order was passed only for a temporary period as there was shortage in Panchayat and Rural Development Department and surplus staff in Water Resources Department. Be that as it may, the services of an employee cannot be transferred to any other Department without consent of the concerned employee. The petitioner was appointed in Water Resources Department and his services have been transferred to Panchayat and Rural Development which on the face of it, is illegal as the same has been done without consent of the petitioner. This Court by order dated 20.5.2002 has stayed

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the impugned order of transfer by virtue of the said order by which the petitioner continued to work in his Parent Department till date.

3. In view of the interim order passed by this Court and even otherwise the order appears to be *prima-facie* illegal, this petition deserves to be allowed. In case any other order is passed, the petitioner reserves liberty to challenge the same, if so advised.

4. For the reasons stated above, order dated 11.2.2003 (Annexure P-9) in respect of the petitioner is quashed and the petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Priya